

**RESOLUTION OF THE SOMERSET COUNTY
AGRICULTURE DEVELOPMENT BOARD
RECOMMENDING A SITE SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE
ON SUMMIT PLANTS AND FLOWERS FARM (FORMERLY MONTGOMERY
GARDENS)
BLOCK 19001 - LOT 1
MONTGOMERY TOWNSHIP, SOMERSET COUNTY**

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, *et seq.* and the State Agriculture Development Committee regulations, N.J.A.C. 2:76-2.3, a commercial farm owner or operator may make a request to the Somerset County Agriculture Development Board (hereinafter CADB) to determine if his or her operation constitutes a generally accepted agricultural management practice; and

WHEREAS, on February 16, 2005, the CADB approved a site-specific agriculture management practice (hereinafter, “AMP”) for the exceeding of the Montgomery Township Impervious Coverage Ordinance on farm buildings on this property, which is located in a residentially zoned area; and

WHEREAS, under the original AMP and Memorandum of Agreement between Montgomery Gardens (now Summit Plants and Flowers) and the Township of Montgomery, approved February 16, 2005, it was agreed upon by all parties that “...when the business is closed, the lights are shut off. The freestanding sign lighting shall be shut off at 10PM. The hours of operation are from 8AM – 8PM, 7 days a week. Montgomery Gardens (now Summit Plants and Flowers) also indicated it has no intention of remaining open until 8PM when business is slow (i.e., January and February). The Township recognizes that the December holidays create a special circumstance”; and

WHEREAS, a request for an amendment to the 2005 AMP was received on July 9, 2010 from Summit Plants and Flowers for the purposes of expanding lighting on the property; and

WHEREAS, the 2010 request for an amendment to the existing AMP proposes an addition of fourteen new lighting fixtures to be placed along the entrance of the property from Route 206, around the existing parking lot, and around the existing retail greenhouse; and

WHEREAS, Summit Plants and Flowers contend that the justification for the increase in lighting on the property is for security and safety purposes; and

WHEREAS, in conformance with the Township of Montgomery’s lighting ordinance and comments on the proposed lighting plan, dated October 8, 2010 and prepared by Kennon Surveying Services, Summit Plants and Flowers have complied with requirements for luminance and lamp/lighting fixture height; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(c), the CADB advised the State Agriculture Development Committee (herein SADC) and the Township of Montgomery of this request in writing; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b), the CADB requested that Summit Plants and Flowers provide proof that his/her agricultural operation is a commercial farm as defined at N.J.S.A. 4:1-C-3 and N.J.A.C. 2:76-2.1; and

WHEREAS, Summit Plants and Flowers provided to the CADB their commercial farm certification, including supporting documentation; and

WHEREAS, Summit Plants and Flowers provided adequate and written notice of their request for modification to the existing AMP and Memorandum of Agreement (specifically the lighting portion) to the CADB to neighboring properties, including date and time of the scheduled CADB meeting at which the issue was scheduled to be heard; and

WHEREAS, the Right to Farm Committee of the CADB agreed to research and hear the request for modification to the existing AMP and Memorandum of Agreement (specifically the lighting portion) for Summit Plants and Flowers (formerly Montgomery Gardens) after making a finding that based upon the materials presented by the applicant that the Farm meets the requirements of the “Right – To – Farm” Act and is eligible for consideration under it’s protections; and

WHEREAS, the CADB sought the assistance of Rutgers Cooperative Extension and the Somerset County Soil Conservation District, in the determination of generally accepted agriculture management practices and standards relating to this activity; and

WHEREAS, the CADB worked with the Township of Montgomery and Summit Plants and Flowers to come to a reasonable determination regarding the proposed lighting plan.

NOW THEREFORE, BE IT RESOLVED, that the CADB hereby determines that the proposed lighting plan, dated October 8, 2010 and prepared by Kennon Surveying Services, for Summit Plants and Flowers (formerly Montgomery Gardens) constitutes a generally accepted agriculture management practice provided that the activity must conform to all relevant Federal and State statutes, rules, and regulations.

BE IT FURTHER RESOLVED that the applicant, CADB and the Township of Montgomery are in agreement as to the luminance and height of the proposed lighting fixtures on the property, and support the modification to the existing AMP and Memorandum of Agreement (specifically the lighting portion) for Summit Plants and Flowers (formerly Montgomery Gardens).

BE IT FURTHER RESOLVED that the CADB shall forward a copy of its written recommendation of the site-specific AMP to Summit Plants and Flowers, Anthony Spasaro, Esq. (attorney for Summit Plants and Flowers), the Somerset County Board of Chosen Freeholders, the SADC, the Township of Montgomery and any other individuals or organizations deemed appropriate by the CADB within 30 days of the recommendation.

I, Mark W. Kirby, Chairman of the Somerset County Agriculture Development Board, certify that the above is a true copy of the resolution adopted by Somerset County Agriculture Development Board at their meeting of October 12, 2010.

Mark W. Kirby, Chairman